

**Remarks**

Claims 18, 21 and 29 have been amended, and claims 20, 22, 31 and 32 have been canceled. Claims 18, 21, 23-27, 29, 30 and 33 remain in the application. Reconsideration of the rejections and objections at an early date is requested.

The examiner rejected claims 18, 20-27 and 29-32 under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 18 and 29 have been amended to delete the reference to  $C_7H_{15}NO_3$ . It is submitted that these amendments overcome the examiner's rejections of claims 18 and 29, as well as claim 20-27 and 30, which depend from one of these claims. Claims 31 and 32 have been canceled. Thus, this basis of rejection has been overcome.

Claims 18, 20-27 and 29, 30 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (U.S. Patent No. 6,077,557) in view of Kohl et al. (U.S. Patent No. 5,073,376) and by the Food Chemicals Codex.

Claim 18 has been amended by including the features of prior claims 20 and 22 into present independent claim 18. Claim 29 has also been amended with the same limitations.

The specification discloses the addition of acetyl-L-carnitine hydrochloride ( $C_9H_{18}ClNO_4$ ) at page 3, line 10-14, which additionally provides a supplement for the human brain that is important for cognitive performance. None of the cited prior art addresses this aspect as being connected with a specific form of L-carnitine.


None of the cited prior art documents discloses that L-carnitine in pure crystalline form, having a degree of purity of 99% and not more than 1% of residual components, is added to a fruit gum composition. Furthermore, none of the cited references discloses nor suggests at least one mixture of substances containing L-carnitine, which is present as  $C_{13}H_{12}NO_{10}$  and/or  $C_9H_{18}ClNO_4$ .

Kohl et al. teaches L-carnitine-L-tartrate in peppermint and orange flavored sucking tablets. The examiner cited Kohl et al. against the tartrate form of L-carnitine. That has been removed from claims 18 and 29.


Consequently, applicant respectfully submits that the invention set forth in claims 18 and 29 would not be obvious to one of ordinary skill in the art, and therefore the claims are allowable. Since the remaining claims depend from one of these claims, the dependent claims should also be allowed.

No additional fees are believed to be due; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

  
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